HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.6726 of 2006

Date of decision : 15.12.2006.

Gurjant Singh **.....Petitioner**

versus

Darshana Devi **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr. Arun Bansal, Advocate for the petition.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 28.11.2006, passed by the learned First Appellate Court, whereby an application filed by the petitioner for permission to sue as indigent person, was dismissed.

It has been found that the petitioner is owner in possession of 43 kanals of land. Though the said land is mortgaged with Punjab National Bank against a loan, but it cannot be said that the petitioner is not in possession of sufficient means to affix the ad-valorem Court fee.

Learned counsel for the petitioner has relied upon a judgment reported as ***"AIR 1993 Supreme Court-361. A. Haja Muniuddian versus Indian Railways",*** to contend that access to justice cannot be denied. However, the said judgment has no applicability in the present case in as much as it was found that even if the provisions of Order 33 of the Civil Procedure Code are not applicable in respect of the claim before the Railway Claims Tribunal, but still the learned Tribunal has to follow the procedure to advance the ends of justice.

In the present case, a finding has been recorded that the petitioner is owner in possession of 43 kanals of agricultural land, the worth of which comes to Rs.8.00 to 9.00 lacs and thus, it cannot be said that the petitioner is not in possession of sufficient means to affix the ad-valorem Court fee.

In view of the above, I do not find any illegality or irregularity in the order passed by the learned First Appellate Court, which may warrant interference by this Court in its revisional jurisdiction.

The revision petition stands dismissed.

However, the petitioner is granted time upto 31.1.2007 to affix the ad-valorem Court fee.

(HEMANT GUPTA)
JUDGE

December 15, 2006
**mohinder*